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Date: April 7, 2011	Name: Kathleen A. Nimrichter

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s) : Colin G. Caro et al.

Title : HELICAL GRAFT

Serial No. : 10/549,498

Filed : August 14, 2006

Art Unit : 3738

Confirmation No. : 7739

Examining Attorney : Megan Yarnall Wolf

Last Office Action : March 8, 2011

Attorney Docket No. : DEHN 200008US01

Cleveland, OH 44114

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

An interview was held in connection with the above-identified patent application on March 2, 2011. During the interview, a flexible graft was demonstrated. Also, applicant argued that Cymbalisty is non-analogous art for several reasons.

Applicant's reasons included a) because Cymbalisty deals with rigid pipes, not the flexible conduits recited in the claims; b) because Cymbalisty deals with pipe

diameters greater than 10 inches rather than graft diameters of 5-10 millimeters; c) because Cymbalistry deals with straight/linear pipes, not curving ones as is shown in the instant application's drawings; d) because Cymbalistry is concerned with steady flows, not pulsating or pulsatile flows as occurs with blood; e) because Cymbalistry teaches a conduit that creates turbulent flow (see column 2, line 46; column 4, lines 9-11; and column 5, lines 37-38) but the non-planar geometry of the claimed invention inhibits flow instability and, hence, turbulent flow which is not desirable in any case in connection with blood flow; f) because Cymbalistry is designed to promote the flow of a fluid with a high concentration of solids (above 70 percent) which is not true of blood flow; and, g) because Cymbalistry teaches mixing transporting of abrasive materials which is irrelevant to blood transport. The Examiner maintained that Cymbalistry can be used for its teachings.


No agreement was reached.

Respectfully submitted,

FAY SHARPE LLP

April 7, 2011

Date


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